



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003403  
**Applicant Name:** Phillip Gladfelter  
**Address of Proposal:** 1959 Perkins Lane West

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to remove two big leaf maples and two red alders (all over 16 inches in diameter) in an Environmentally Critical Area. Project includes vegetation restoration plan.

The following approval is required:

**SEPA - Environmental Determination** – (Chapter 25.05, Seattle Municipal Code.)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

Site Location: The site is a residential property located along the west side of Perkins Lane West.

Zoning: Single Family 7200 UR/CR (SF 7200 Urban Residential/Conservancy Recreation).

Parcel Size(s): The parcel size for this property is 11,100 square feet (sq. ft.).

Existing Use: This property is currently developed with a single family residence.

Zoning in the Vicinity: The zoning in the vicinity is SF 7200.

Use in the Vicinity: The development in the vicinity consists of single family residences.

### Proposal

This proposal is for the removal of five (5) trees in an environmentally critical area. The applicant's goals are the following: remove trees that are aging and decaying; and remove and prune trees that have the potential of damaging existing structures and neighboring properties.

This project includes specific recommendations from Susan E. Black, Landscape Architect on the work to be performed. Per her report and identified plans, the project should be completed within two (2) phases and all work will be performed primarily in the eastern upland area of the subject property. No work is proposed on the shoreward portion of the property. Each phase includes the following activity:

#### Phase I (Tree Removal Approach)

- Remove two (2) Red Alder trees and three (3) Bigleaf Maple trees. The existing root systems will be left in place with ground level flat stumps.
- Prune four (4) Bigleaf Maple trees.

#### Phase II (Revegetation Approach)

- No revegetation is recommended per the Landscape Architect in order to allow the understory plants to leaf out to a much greater degree once the canopy is removed and the planting operations could work to destabilize the site.

### Public Comments

The required public comment period ended on November 16, 2005. DPD received no written comments regarding this proposal.

### **ANALYSIS - SEPA**

The proposal site is located in an environmentally critical area-steep slope, potential and known landslide-thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Pursuant to SMC 25.09.320.E, the ECA ordinance states, *“The Director shall consider the following circumstances and conditions in rendering a decision on a vegetation and tree removal permit: 1) The applicant shall justify the need for tree and/or vegetation removal; 2) The applicant shall demonstrate that any tree and/or vegetation removal shall not adversely affect stability, erosion potential, existing drainage conditions, and/or fish and wildlife habitat areas on-site, on adjacent sites, or within the drainage basin; 3) The applicant shall demonstrate that the activity shall not be a precursor of a later development proposal, unless a plan is approved by the Director for public safety reasons and/or except to conduct soil testing subject to DPD's Director's Rule for Investigative Field Work in Environmentally Critical Areas; and 4) The Director may require a vegetation and tree removal and replacement plan and may otherwise condition the permit to protect the public health and safety and prevent harm to the affected environmentally critical area.”*

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 21, 2005. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, and reviewed the project plans and any additional information in the file, specifically the Landscape Architect's report and Arborist report. Technical assistance was provided by an SDOT City Forester. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant provided recommendations made by the applicant's Landscape Architect and Arborist are followed.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under certain limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary impacts on the identified critical areas are expected: vegetation removal (including partial removal of five (5) mature trees); increased soil erosion and sedimentation during tree removal and following until vegetation is adequately established on site, and increased runoff. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code require that soil erosion control techniques be initiated for the duration of the tree and vegetation removal. The ECA ordinance regulates activity within designated ECA areas. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

### Earth

The ECA Ordinance requires submission of technical reports to detail soils, geological, hydrological, drainage, plant ecology and botany, vegetation and other pertinent site information. Pursuant to this requirement the applicant submitted the following technical reports:

- Arborist reports prepared by Scott D. Baker, dated July 19, 2004 and August 3, 2004. The reports include an inventory of the existing trees and provide recommendations for tree/vegetation restoration.
- A report prepared by Susan E. Black (Landscape Architect), dated September 2, 2005. The report identifies tree removal and provides recommendations regarding revegetation.

These reports and associated plans have been reviewed by DPD's geotechnical experts and an SDOT City Forester. It was determined that a replanting plan is required. Therefore, the proposal will be conditioned for the applicant to provide a revegetation plan that includes the following elements:

- Plant a minimum of ten (10) trees (native species, 1-2 gallon containers) (2 for 1).
- Include a maintenance plan to monitor the plantings.

They have concluded that, as conditioned, the proposed tree removal and restoration may proceed. The tree and vegetation removal plans, including erosion control techniques, restoration plans and monitoring plans will be reviewed by DPD. Applicable codes and ordinances provide extensive conditioning authority and prescriptive methodology for tree and vegetation removal. Therefore, no additional conditioning beyond the previously mentioned condition is warranted pursuant to SEPA policies.

### Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts with regards to slope stability or soil erosion control if the tree restoration plan is not continually monitored per the arborist requirements.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code. Unfortunately, these codes don't provide specify the manner in which the restoration plan should be monitored and how frequent this planting monitoring should occur. Therefore, a condition has been added to address this requirement.

### **DECISION - SEPA**

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS – SEPA**

#### **Prior to MUP Issuance**

1. The applicant must provide a revised Arborist report and tree restoration plan that includes the following recommendations:
  - Plant a minimum of ten (10) trees (native species, 1-2 gallon containers) (2 for 1).
  - Include a maintenance plan to monitor the plantings.These revisions and any alternatives to the recommendations must be approved by the SDOT City Forester.

#### **Prior to Final Approval of the Tree and Vegetation Permit (Non-appealable ECA Conditions)**

2. The arborist conducting the work must attend an on-site pre-construction conference with DPD's Site Inspector and the SDOT City Forester to discuss erosion control measures and monitoring methodology prior to the start of work.
3. The arborist conducting the work must schedule an inspection with the DPD biologist (Rob Knable) after the planting has been completed.
4. A monitoring report shall be produced annually for a minimum of 5 years unless the Director of DPD determines the planting plan is a success, and then monitoring may be discontinued after 3 years. The report shall be prepared by a qualified firm and will include photos of the restoration area and percent cover, survival rates of plant stock and any contingency plans if necessary. This report should be provided to DPD Site Team after the growing season but no later than October 31<sup>st</sup> of each year.

Signature: (signature on file)  
Tamara Garrett, Land Use Planner  
Department of Planning and Development

Date: June 26, 2006